

## A G E N D A



## Recommendation for Council Action

Austin City Council	Item ID	25308	Agenda Number	46.
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Meeting Date:	6/27/2013	Department:	Austin Police Department
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## Subject

Approve a resolution ratifying the Meet and Confer Agreement between the City and the Austin Police Association relating to wages, hours, and terms and conditions of employment for Austin police officers.

## Amount and Source of Funding

Funding is included in the Fiscal Year 2013- 2014 Operating Budget of the General Fund. Funding for subsequent years is subject to appropriation by City Council.

## Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	September 25, 2008 - Approval of fourth Police Meet and Confer contract
For More Information:	Art Acevedo, Chief of Police / 974-5030
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

## Additional Backup Information

In 1995, the Texas Legislature amended state Civil Service law to allow the City of Austin to negotiate and enter into written agreements with firefighters and police officers regarding wages, salaries, rates of pay, hours of work, other terms and conditions of employment or other personnel issues. An agreement reached through this "Meet and Confer" process supersedes any contrary statute, local ordinance, policy, or rule adopted by the State, City, or Civil Service Commission.

The Austin Police Association (APA) anticipates that the membership will vote on the proposed contract by June 25, 2013. In anticipation that the membership will approve the contract, the Police Department is submitting the Meet and Confer Agreement for ratification by Council, as required by the Texas Local Government Code. The contract achieves key City goals and provides pay enhancements while staying within the City's current financial constraints.

## Key Provisions

### Citizen Oversight

- The following Citizen Review Panel documents will be made public, in their entirety, after the Police Chief makes final decision regarding discipline, regardless of whether discipline imposed:  
[Currently these documents are only released if the Chief suspends the officer.]
  - Recommendation that APD policies warrant review/change;
  - Recommendation that Independent Investigation is warranted;
  - Report setting out basis of recommendation for an Independent Investigation;
  - Report of CRP's recommendations after review of an Independent Investigation;
  - Recommendation on discipline in a critical incident case; and
  - The body of a final report of any Independent Investigation.
- Pre-meeting conference call for Police Monitor and CRP members allowed.
- Time for Citizen Review Panel members to review investigation file increases from 5 to 8 hours.

### Hiring Processes

- Increases management flexibility. Eligibility list is created per Department policy or procedure.
- Increases percent of Interns in any Cadet class from 25% to 38%.
- Allows City to hire Reserve Officers to work five specific special events.

### Promotional Processes

- Maintains current flexibility. Promotions determined by written test and other evaluations determined by Chief.
- Police Chief will have ability to appoint two additional Commanders over next four years.

### Discipline and Appeals Procedures

- The Civil Service Commission or Hearing Examiner may affirm, or may reduce an indefinite suspension to a temporary suspension of not more than 180 days. Currently, may only affirm the Chief's decision to terminate, or reduce the suspension imposed to not more than 15 days.

### Officer Rights

- Removes language that arguably implied an automatic reversal of discipline for *any* violation of an officer's rights during the investigation process. Reverts to state law – a violation may be considered on appeal if violation *substantially impaired* the Officer's ability to defend charge.
- Officers subject to disciplinary action:
  - May review un-redacted investigation file for 8 hours prior to the discipline being imposed.
  - May receive un-redacted copy of investigation file if suspended, subject to confidentiality provisions.
  - May review Investigative Summary prepared by Internal Affairs.

### Assignment Changes

- Preserves Chief's right to change schedules as needed.

- If City does not give 28 day notice of schedule change for the five special events identified, affected Officers are entitled to 20 hours of administrative leave (must be used that calendar year).

#### Sick Leave Payout

- Vesting to receive payout increased from 10 years in good standing to 12 years in good standing.
- Conditions and amounts of payout remain the same.

#### Association Business Leave

- Expands definition of Association Business Leave.
- Maintains current funding method by agreed reduction to Officers' sick leave accrual.

#### Term of Agreement

- Four-year Agreement.

#### Economic Provisions:

Base Pay Increases:	Year 1	1.50%
	Year 2	1.00%
	Year 3	1.00%
	Year 4	2.00%

Longevity Pay:	Year 1	Increased from \$100 to \$107 per year of service, maximum of 25 yrs.
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#### Budgeted Cost

• Year 1:	\$3,182,288
• Year 2:	\$5,212,351
• Year 3:	\$7,262,715
• Year 4:	<u>\$11,404,449</u>
• Total Contract Cost	\$27,061,803